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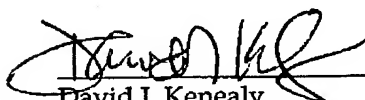
AUG 04 2005

**TELEFACSIMILE TRANSMISSION**  
**to**  
**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|           |                                   |          |  |
|-----------|-----------------------------------|----------|--|
| TO:       | Examiner Shouxiang HU<br>GAU 2811 | FROM:    | DAVID J. KENEALY<br>Cermak & Kenealy LLP |
| FAX:      | 571.273.8300                      | REF. NO: | ST3001-0035                              |
| VOICE:    | 703 272 1654                      | PAGES    | (incl. this sheet) 16                    |
| App. No.: | 10/722,556                        | DATE:    | August 4, 2005                           |

The undersigned hereby certifies that the following document(s) is (are) being transmitted by telefacsimile to the United States Patent and Trademark Office at the above "FAX" number, on the above DATE.

- 1) This facsimile Certification cover sheet (1 pg.)
- 2) Amendment AF Transmittal and Petition for One Month Extension of Time (4 pg.)
- 3) Amendment After Final (10 pg.)
- 4) PTO-2038 (1pg)

  
David J. Kenealy  
Registration Number 40,411

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**AUG 04 2005**

**Amendment Under 37 C.F.R. §1.116**  
**Expedited Procedure Requested**  
**PATENT**  
Attorney Docket No. ST3001-0035

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                    |   |                        |
|------------------------------------|---|------------------------|
| In re Application of:              | ) |                        |
|                                    | ) |                        |
| Tomoaki ABE et al.                 | ) | Group Art Unit: 2811   |
|                                    | ) |                        |
| Patent Application No.: 10/722,556 | ) |                        |
|                                    | ) | Examiner: Shouxiang HU |
| Filed: November 28, 2003           | ) |                        |
|                                    | ) |                        |
| For: SURFACE MOUNTED LIGHT         | ) | Confirmation No.: 4976 |
| EMITTING DIODE AND METHOD          | ) |                        |

Commissioner for Patents  
Mails Stop AF  
Alexandria, Virginia 22313-1450

Sir:

**AMENDMENT AFTER FINAL TRANSMITTAL WITH PETITION FOR ONE  
MONTH EXTENSION OF TIME**

- Transmitted herewith is an Amendment After Final responding to the Office Action dated April 4, 2005, the period for reply to which extends to August 4, 2005 by petition for one month extension of time filed herewith. Entry and consideration of the Amendment is respectfully requested.
- Additional papers enclosed:
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_ reference included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

08/08/2005 HBINAS 00000020 10722556

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Application No.: 10/722,556  
 Attorney's Docket No.: ST3001-0035

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>                 | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---|--------------------------|-------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 120.00                | \$ 60.00                      |
| <input type="checkbox"/> two months           | \$ 450.00                | \$225.00                      |
| <input type="checkbox"/> three months         | \$1,020.00               | \$510.00                      |
| <input type="checkbox"/> four months          | \$1,590.00               | \$795.00                      |

Extension of time fee due with this request: \$ 120.00. The Commissioner is hereby authorized by this paper to charge the \$120.00 fee due under 37 C.F.R. §§ 1.17(a) to the credit account listed on the attached Form PTO-2038.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-2821. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Application No.: 10/722,556  
 Attorney's Docket No.: ST3001-0035

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |   |                                |                  |                |            |
|---|---|--------------------------------|------------------|----------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of     | Total Fees |
| Total Claims<br>37 C.F.R. §1.16(c)                    | <u>20</u>                                 | minus <u>20</u> =              | <u>0</u>         | x \$50 each =  | + \$ 0.00  |
| Independent<br>Claims<br>37 C.F.R. §1.16(b)           | <u>2</u>                                  | minus <u>3</u> =               | <u>0</u>         | x \$200 each = | + \$ 0.00  |
| [ ] First presentation of Multiple dependent claim(s) |   |                                |                  | \$290.00       | + \$ 0.00  |
| SUB-TOTAL =   |   |                                |                  |                | \$ 0.00    |
| Reduction by ½ for filing by a small entity           |   |                                |                  |                | - \$ 0.00  |
| TOTAL ADDITIONAL CLAIMS FEE =                         |   |                                |                  |                | \$ 0.00    |

6. Fee Payment

[ ] No fee is to be paid at this time.

[ ] The Commissioner is hereby authorized to charge \$120 which represents the extension of time fee (\$120) and additional claims fee (\$0) to the Credit Account listed on the attached form PTO-2038.

[X] Please Charge Total Fee of \$ 120.00 to:

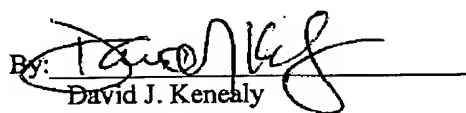
[X] Credit Account identified in attached Form PTO-2038.

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The Commissioner is hereby authorized to charge any additional fees that were overlooked above and which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment, to Deposit Account 50-2821.

Respectfully submitted,  
CERMAK & KENEALY LLP

Dated: August 4, 2005

By:   
David J. Kenealy  
Reg. No. 40,411

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